



**Nyabenda v Republic (Criminal Revision 164 of 2024)  
[2024] KEHC 12091 (KLR) (7 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12091 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 164 OF 2024  
DR KAVEDZA, J  
OCTOBER 7, 2024**

**BETWEEN**

**EZEKIEL NYABENDA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and after a full trial convicted for the offence of grievous harm contrary to section 234 of the [Penal Code](#). He was sentenced to serve four (4) years imprisonment.
2. He has filed the present application dated 8<sup>th</sup> August 2024 seeking revision of sentence. The grounds raised are that he is the sole breadwinner in his family. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to a non-custodial sentence.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant’s mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court. The application dismissed.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 7<sup>TH</sup> OCTOBER 2024**

**D. KAVEDZA**

**JUDGE**

